

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

FRANCES MARTINEZ,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO.
) 5:07-CV-071-BG
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

REPORT AND RECOMMENDATION

The United States District Court Judge reassigned this case to the undersigned this case to the docket of the United States Magistrate Judge for further proceedings on April 13, 2007. Plaintiff did not consent to the jurisdiction of the United States Magistrate Judge.

Now before the court is “Defendant’s Motion to Remand with Memorandum Brief” filed October 1, 2007. The motion is unopposed.

I. Recommendation

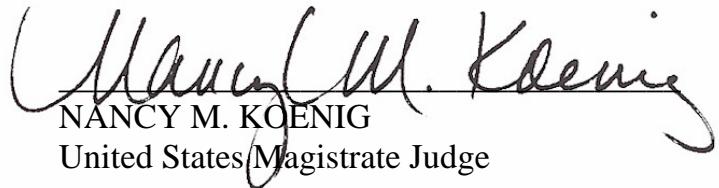
Pursuant to the order transferring this case, the undersigned now files this Report and Recommendation recommending that the United States District Court grant Defendant’s motion and enter judgment reversing and remanding the case for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

II. Right to Object

Pursuant to 28 U.S.C. § 636(b)(1), any party has the right to serve and file written objections to the Report and Recommendation within ten days after being served with a copy of this document. The filing of objections is necessary to obtain de novo review by the United States District Court.

A party's failure to file written objections within ten days shall bar such a party, except upon grounds of plain error, from attacking on appeal the factual findings and legal conclusions accepted by the district court. *Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1429 (5th Cir. 1996) (en banc).

Dated: October 12, 2007.



NANCY M. KOENIG
United States Magistrate Judge